



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EAG:CRH
F. #2017R01738

*271 Cadman Plaza East
Brooklyn, New York 11201*

September 29, 2017

By ECF

The Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Al Farekh
Criminal Docket No. 15-268 (BMC)

Dear Judge Cogan:

The government writes respectfully to request leave to electronically file ex parte and under seal a document, specifically the government's letter dated September 29, 2017 (the "September 29, 2017 Letter"). As an initial matter, the government is sensitive to the need to minimize the amount of information in a criminal case that is filed under seal. See, e.g., United States v. Aref, 533 F.3d 72, 83 (2d Cir. 2008) (noting "the requirement that district courts avoid sealing judicial documents in their entirety unless necessary"); Lugosch v. Pyramid Co., 435 F.3d 110, 119-20 (2d Cir. 2006) (noting that sealing orders should be "narrowly tailored"). However, ex parte filing and sealing are warranted to, among other things, preserve the integrity of ongoing investigations, as set forth in the September 29, 2017 Letter. Under these circumstances, the government's countervailing interests outweigh the public's qualified right to access. As the facts set forth above provide ample support for the "specific, on the record findings" necessary to support sealing, Lugosch, 435 F.3d at 120, the

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government respectfully requests that the Court record those findings and file the September 13, 2017 Letter ex parte and under seal.

Respectfully submitted,

BRIDGET M. ROHDE
Acting United States Attorney

By: /s/ Craig R. Heeren
Craig R. Heeren
Assistant U.S. Attorneys

cc: Clerk of the Court (BMC) (by ECF)